

REMARKS/ARGUMENTS

Applicants have amended independent claims 1, 12, 23, 31, 35, 36, 51, 65 and 67 and canceled claims 10, 13, 14, 21, 22, 32, 37-40, 51-66 and 68-73. Claims 1-9, 11-12, 15-20, 23-31, 33-36, 41-50, 67 and 74-78 remain pending. Reconsideration of the claims, as amended, is respectfully requested.

Restriction Requirement

In the Office Action to which this paper is responsive, the Examiner restricted the claims to two groups. Group I, corresponding to claims 1-36, 39-50 and 67-78; and Group II, corresponding to claims 37, 38 and 51-66. Applicants affirm the provisional election made by Ms. Nena Bains on April 8, 2005, and elect claims 1-36, 39-50 and 67-78. Accordingly, claims 37, 38 and 51-66 have been canceled without prejudice to the subject matter therein.

Rejection under 35 U.S.C. § 102

The Office Action rejected claims 12-20, 22, 31-34, 40-42, 45-50, 67-69, 73-74 and 76-78 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2004/0182940 (Biller). This rejection is respectfully traversed in part and overcome in part.

As now amended, Biller does not anticipate these claims because Biller does not teach every element of the claims. More specifically, Biller teaches an electronic media disc assembly with point of purchase activation of an account associated with the disc. The card in Biller is circular shaped and may include a rectangular portion where the length of the rectangular portion is less than the diameter of the circular portion. The card in Biller also includes a data storage region and an encoded region such as a magnetic stripe.

In contrast, independent claims 12 and 67 feature rectangular cards having specific dimensions rather than circular cards as in Biller. Also, claim 12 recites the use of a line copy limit, and claim 67 claims a specific dimension for the protrusion at the top edge. Independent claim 31 features a card with a circular portion and a rectangular portion where the rectangular shaped portion is greater than the diameter of the circular shaped portion, instead of a

rectangular portion less than the diameter of the circular shaped portion as shown in Biller. Thus, independent claims 12, 31 and 67 as well as their associated dependent claims 15-20, 33-34 and 74-78, comprise features that are not taught by Biller. Applicants, therefore, respectfully request withdrawal of the § 102 rejection as to these claims.

Rejection of Claims 23-29 and 35 under 35 U.S.C. § 103

The Office Action rejected claims 23-29 and 35 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2002/0167890 (Duroj) in view of Biller. Duroj discloses a rectangular storage card for use with a CD or DVD player. However, Duroj does not teach a data card with a front side comprising a live copy limit that is 3/32 of inch from the outside edge of the card and apertures at least 1/16 of an inch from the live copy limit and the information storage medium as claimed in amended claims 23-29 and 35. As discussed above, Biller also does not teach this feature. Because the cited prior art does not teach or suggest each element of these claims, Applicants respectfully request withdrawal of the 35 U.S.C. § 103 rejection in regard to these claims.

Rejection of Claim 35 under 35 U.S.C. § 103

The Office Action also rejected claim 35 under 35 U.S.C. § 103(a) as being unpatentable over Duroj. As discussed above, Duroj does not teach or suggest every feature of amended claim 35, such as the location of the apertures relative to the live copy limit. Therefore, Applicants also request withdrawal of this rejection.

Rejection of Claims 1-9, 11, 43-44 and 75 under 35 U.S.C. § 103

The Office Action further rejected claims 1-9, 11, 43-44 and 75 under 35 U.S.C. § 103(a) as being unpatentable over Biller in view of Japanese Patent No. 2001-109859 (Motoe). Motoe discloses a card with a plurality of holes for suspending the card from a binder, but does not teach or suggest a data card with a front side comprising a live copy limit that is 3/32 of inch from the outside edge of the card and apertures at least 1/16 of an inch from the live copy limit

and the information storage medium. Furthermore, Motoe does not teach apertures that are at least 1/16 of an inch from each other as disclosed in claim 1. Biller also does not teach these features. Accordingly, Applicants respectfully request withdrawal of this 35 U.S.C. § 103 rejection.

Rejection of Claim 72 under 35 U.S.C. § 103

Claim 72 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Biller in view of Duroj. Claim 72 has been canceled. Accordingly, this rejection is now moot.

Rejection of Claims 21, 30, 39, 70 and 71 under 35 U.S.C. § 103

The Office Action further rejected Claims 21, 30, 39, 70 and 71 under 35 U.S.C. § 103(a) as being unpatentable over Biller in view of U.S. Patent No. 6,760,280 (Schoppe). Claims 21, 39, 70 and 71 have been canceled and, therefore, this rejection is now moot in regard to these claims.

Claim 30 is pending. The Examiner notes that Biller does not teach a rectangular data card, but Schoppe does disclose a rectangular shaped data card with dimensions similar to those claimed in claim 30. However, Biller and Schoppe do not teach or suggest every element of amended independent claim 23 from which claim 30 depends. For instance, claim 30 claims a data card with a front side comprising a live copy limit that is 3/32 of an inch from the outside edge of the card, and the aperture is at least 1/16 of an inch from the live copy limit and the information storage medium. Neither Biller nor Schoppe teach or suggest this feature. Accordingly, Applicants request that this 35 U.S.C. § 103 rejection be withdrawn.

Rejection of Claim 10 under 35 U.S.C. § 103

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Biller as modified by Motoe and further in view of Schoppe. Claim 10 has been canceled; therefore, this rejection is now moot.

Appl. No. 10/665,984
Amdt. dated July 15, 2005
Reply to Office Action of April 28, 2005

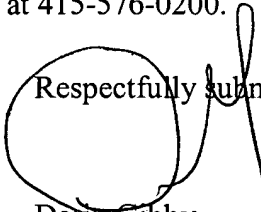
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


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